C.R.No.193/06

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL REVISION PETITION NO.193/2006

Ramanand **Vs**. Lala Ram & Anr.

DATE OF ORDER :: 04/12/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rinesh Gupta, for petitioner

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Instant revision petition has been filed by the petitioner-plaintiff against the order dated 1st April, 2006 whereby the appeal preferred by the defendants-respondents was accepted and the judgment and decree of the learned trial court dated 17th September, 2003 was set aside.

Plaintiff-petitioner filed a suit for malicious prosecution and harassment caused to him in facing criminal trial initiated against him. Since he was finally acquitted by the competent court of jurisdiction, the suit which was filed was decreed by the learned trial Judge vide order dated 17th September, 2003 awarding him damages of Rs.18500/- along with interest @6% per annum. Against which, appeal was preferred by the non-petitioners-defendants and the same was allowed and the order of the learned trial Judge was set aside.

I have heard counsel for petitioner and also perused the finding recorded under the order impugned dated 1st April, 2006 wherein it has been

noticed that in the criminal case instituted against the present plaintiff-petitioner, he was finally acquitted by giving him benefit of doubt and from the material which has come on record it cannot be said that a false criminal case was instituted against the petitioner-plaintiff.

I do not find any error committed by the learned First Appellate Court in recording such finding and which does not require interference by this court within the limited scope of revisional jurisdiction u/s.115 CPC.

Consequently, the present revision petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.